

- b. The Office Action rejected claims 6 and 13 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office Action states:

Recitations such as “on the frame” on line 2 of claims 6 and 13 render the claims indefinite because it is unclear how the pockets can be on the frame when it appears that the pockets are in the frame.

Applicant has amended the claims and submits that the rejection has been overcome.

Claims need only “reasonably apprise those skilled in the art” for their scope and be “as precise as the subject matter permits.”<sup>1</sup> The test of definiteness is whether one skilled in the art would understand the bounds of the claim when read in light of the specification. . .If the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, §112 demands no more. . .

A claim need not describe the invention, such description being provided by the specification’s disclosure section.<sup>2</sup>

The claim, in light of the specification, is not indefinite or incomplete.

## 2. PRIOR ART MATTERS

- a. The Office Action rejected claims 1-4, 6-11 and 13-15 under 35 USC 103(a) as being unpatentable over McDonald in view of Ryan. Applicant respectfully traverses the rejection.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.<sup>3</sup> If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.<sup>4</sup>

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<sup>1</sup> *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (Fed. Cir. 1986)

<sup>2</sup> *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986)

<sup>3</sup>MPEP Sec. 2142.

<sup>4</sup> Id.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.<sup>5</sup>

Applicant respectfully traverses the § 103 rejection because the office action has not established a *prima facie* case of obviousness.

The reference does not teach or suggest all the claim limitations.

In regard to amended claim 1, the references do not teach or suggest a door and frame for an air handling unit wherein the door and frame can withstand a pressure differential of up to six inches of air pressure. The importance of this limitation is set forth at page 2 of the Specification.

Claim 1 is therefore allowable.

Claims 2-4 and 6-8 contain additional elements or limitations beyond allowable claim 1 and are also allowable.

Claim 9 is allowable for the reasons given above in regard to claim 1.

Claims 10-11 and 13-15 contain additional elements or limitations beyond allowable claim 1 and are also allowable.

- b. The Office Action rejected claims 1, 5, 9, 12 and 16-20 under 35 USC 103(a) as being unpatentable over Fuchs in view of McDonald, Ryan, and Colliander. Applicant respectfully traverses the rejection.

Claim 1 is allowable over the references for the reasons given above.

Claim 5 contains additional elements or limitations beyond allowable claim 1 and is also allowable.

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<sup>5</sup>Id. (emphasis supplied)

Claim 9 is allowable for the reasons given above.

Claim 12 contains additional elements or limitations beyond allowable claim 9 and is also allowable.

Claim 16 is allowable for the reasons given above.

Claims 17-20 contain additional elements or limitations beyond allowable claim 16 and are also allowable.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned Version With Markings to Show Changes Made.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the claims:**

Claims 1, 6, 7, 9, 13, 14, 16, and 18 have been amended as follows:

1. (Amended) A door and frame combination for an air handling unit, the combination comprising:

(a) a frame;

(b) a hinged door engaging the frame, the door comprising a front wall, rear wall, and side walls enclosing a hollow core and insulating material filling the hollow core; and

(c) a gasket between the door and the frame, the gasket further comprising a flexible gasket wall with anti-roll extensions[.];

wherein the door and frame can withstand a pressure differential of up to six inches of air pressure.

6. (Amended) The door and frame combination of claim 1, further comprising thermal pockets [on] in the door and [on] in the frame, the thermal pockets being filled with a second insulating material.

7. (Amended) The door and frame combination of claim 6, wherein the second insulating material is high-density polyurethane.

9. (Amended) A door and frame combination for an air handling unit, the combination comprising:

(a) a frame;

(b) a hinged door engaging the frame, the door further comprising a front wall, rear wall, and side walls enclosing a hollow core and insulating material filling the hollow core wherein the insulating material is expanding polyurethane foam; and

(c) a gasket between the door and the frame, the gasket further comprising a flexible gasket wall with anti-roll extensions[.];

wherein the door and frame can withstand a pressure differential of up to six inches of air pressure.

13. (Amended) The door and frame combination of claim 9, further comprising thermal pockets [on] in the door and [on] in the frame, the thermal pockets being filled with a second insulating material.

14. (Amended) The door and frame combination of claim 13, wherein the second insulating material is high-density polyurethane.

16. (Amended) A door and frame combination for an air handling unit, the combination comprising:

(a) a frame;

(b) a hinged door engaging the frame, the door further comprising a front wall, real wall, and side walls enclosing a hollow core and insulating material filling the hollow core; wherein the insulating material is expanding polyurethane foam; and

(c) a gasket between the door and the frame, the gasket further comprising a flexible gasket wall with anti-roll extensions, and further comprising a friction-reducing material on the gasket wall[.];

wherein the door and frame can withstand a pressure differential of up to six inches of air pressure.

18. (Amended) The door and frame combination of claim 16, further comprising thermal pockets [on] in the door and [on] in the frame, the thermal pockets being filled with high-density polyurethane.